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PATENTS  
Serial No. 09/870,418  
Confirmation No. 8017  
Attorney Docket No. CKB-001.02

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
Blackwell et al.	)	
Application No:	)	Art Unit: 2125
09/870,418	)	
Filed: May 30, 2001	)	Confirmation No.: 8017
For: A METHOD AND APPARATUS	)	Examiner: Sean P. Shechtman
FOR AUTHORIZING AND PLAYING	)	
BACK LIGHTING SEQUENCES	)	

**CERTIFICATE OF MAILING**

I hereby certify that the following paper is being deposited with the United States Postal Service as first-class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 22, 2005.

  
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John Barretto

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT/ELECTION**

In response to the Restriction Requirement mailed November 1, 2005 in the above-identified application, Applicants elect Group I, claims 1, 2, 5, 6, 8-29, 30, 33, 35, 36, 37, 38, 42, 43, and 45-61, for further prosecution. Within Group I, Applicants elect Species A, on which claims 8, 11-13, 45-50 and 57 are believed to read.

The above election of the Group I, Species A claims is made with traverse to the Restriction Requirement. The Applicants respectfully submit that search and examination of all of the claims pending in the present application can be made without serious burden on

the Examiner, as already demonstrated in a previous substantive Office Action on the merits.

Specifically, the Examiner has already demonstrated that search and examination of the subject matter of all of the claims presently pending in the application can be made without serious burden, as **the subject matter presently claimed already has been examined substantively by the Examiner in a previous Office Action dated February 9, 2005**. While some minor amendments to the claims have been made during prosecution, the overall subject matter covered by the claims essentially has not changed from the claims as originally filed.

For example, the subject matter of claims 4, 32, and 41, which the Examiner now assigns to the Group II claims as being “drawn to a final data stream to control lights without interpolating any of the data included therein,” was searched, examined and substantively commented upon by the Examiner in the February 9, 2005 Office Action as indicated at least on: page 7, paragraph 9; page 10, paragraph 10; and page 11, paragraph 11 of the Office Action. Similarly, in the February 9, 2005 Office Action, the Examiner already has searched, examined, and commented upon the subject matter of all of the other currently pending claims.

Hence, by the Examiner’s own prior substantive office action, the Examiner has conceded that search and examination of these claims can be made without a serious burden. According to MPEP §803, “if the search and examination of an entire application can be made without serious burden, the examiner **must** examine it on the merits” (emphasis added). For at least this reason, the Restriction Requirement is improper and should be withdrawn.

In sum, Applicants have distinctly and specifically pointed out what are respectfully believed to be errors in this Restriction Requirement, and hence traverse this requirement. In doing so, Applicants retain the right to petition from the requirement under 37 C.F.R. §1.144.


Applicants respectfully request the Examiner to reconsider and withdraw the Restriction Requirement and proceed with prosecution on the merits of all of the pending claims.

Should the Examiner maintain the Restriction Requirement, Applicants expressly reserve the right to prosecute groups not elected herein in other patent applications claiming the benefit of the filing date of this application. Furthermore, the Applicants understand that upon allowance of a generic claim, they will be entitled to consideration of claims to additional groups which are written in dependent form or otherwise include all the limitations of any allowed generic claims.

Any questions raised by this submission may be directed to the undersigned at (617) 832-1000. The Commissioner is hereby authorized to charge any underpayments, or credit any overpayments, to our **Deposit Account No. 06-1448, Reference CKB-001.02.**

Respectfully submitted,

Date: November 22, 2005  
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